REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES February 4, 1999

The regular meeting of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Thomasson in the City Council Chambers, 21630 11th Avenue South.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Gary Towe (arrived at 8:07 p.m.) and Don Wasson. Also present were City Manager Bob Olander, City Attorney Gary McLean, Community Development Director Judith Kilgore, Park and Recreation Director Patrice Thorell and City Clerk Denis Staab.

DISCUSSION ITEMS

Senior Center/Community Center Project

Park and Recreation Director Thorell, with the use of video tapes, showed past flooding events at the Senior Center and the damage caused by the flooding since opening nearly 10 years ago. She advised Council that the Center has been closed several times this year, one time for 2 weeks because of a sewer drain break. She noted that because the Beach Park is in a flood plain existing structures cannot be rebuilt and no new construction could be undertaken.

City Manager Olander commented that the video's cannot show the true damage to the underlying structure supports.

With the use of view foils, Park and Recreation Director Thorell showed the following:
- Conceptual building design
- Proposed building layout
- Site location, adjacent to new Post Office and proposed sports park, on Metro bus line
- Ingress/egress on South 216th and 20th Avenue South

Ms. Thorell reminded Council that the new facility would be used by all age groups and the project would allow for greatly expanded activities and programs. She informed Council that there have been times that the current Senior Center has had to turn folks away, especially during holiday meals and events, because they are at capacity. In conclusion, she noted that the proposal would cost property owners $.23 per $1,000 of assessed valuation annually, for 20 years. Ballots will be mailed out around February 19th and are due back by March 9th.

Draft Resolution No. 99-026 ***[ASSIGNED RESOLUTION NO. 859]*** Proposed Merger of TCI and AT & T

City Manager Olander introduced Lon Hurd of Cable Communications Consultants, who represents the City in negotiations with TCI.

Mr. Hurd informed Council that the refranchasing process will begin later this year, which will be the proper time to address the City's concerns over cable service and expand on advantages for the City. He noted at this time the City has been requested by TCI to authorize the transfer of the TCI franchise to the new subsidiary to be owned by AT & T. He advised Council that he has spent a lot of time reviewing the proposed merger and concludes that it should benefit citizens. He reminded Council that the merger will still need F.C.C. and stock holder approval before it can be finalized.

8:07 p.m. Councilmember Towe arrived.

Mr. Hurd informed Council that if a city does not take action within 120 days, the transfer is deemed approved, unless TCI grants a waiver. The delay in bringing this to Council has been to see what, if any, concessions larger jurisdictions such as Seattle and King County might require. He reminded Council that most of these issues with Seattle and King County are still not resolved. TCI has requested a waiver for Des Moines through February 4th. He reminded Council that the findings Council must use in approving the merger is whether this merger is sound financially, technically and legally.

Councilmember Sherman questioned what might happen if the City denied the request. Mr. Hurd replied that a suit could be filed for improper action by the City without proof that the merger did not meet the required findings of being financially, technically and legally sound.

Upon questioning from Council that TCI does not have the ability to perform, what can AT & T do, Mr. Hurd noted that AT & T has committed funds to complete the upgrade of cable TV and will be legally bound by current franchise agreements in all local communities.

Representatives of TCI Dave Krook, General Manager and Janet Turpen, introduced themselves to Council.

City Manager Olander called Council's attention Section 2 of the draft resolution which states if other jurisdictions gain a favorable addition to their franchise, then Des Moines will also receive the same provision. He also noted Section 3 provides specific language requiring added services provided by AT & T not covered in the current franchise receive prior Des Moines authorization.

Councilmember Sherman cited numerous complaints with TCI including picture quality, lack of FM radio stations, no longer able to view TVW. Mr. Hurd advised that many of Mr. Sherman's concerns and issues would be more appropriately addressed during the franchise renewal process.

Ms. Turpen admitted that TCI has had poor performance, but AT & T is known world wide for excellent customer service and this same standard would be demanded of TCI. She advised that TCI has already instituted two new high tech customer service centers that are extremely responsive to customers needs and concerns.

Upon questioning from Council, Mr. Hurd noted that if the City choose to revoke the TCI franchise at this time there are no other cable service providers in this area. He also pointed out that the City would lose the current revenues produced by the franchise fee.

Councilmember Kaplan stated he felt the country is currently experiencing a "merger mania" and feels that mergers do not necessarily improve service to customers.

Ms. Turpen advised Council that TCI hopes to have a regional standard channel line-up in place soon so that all adjoining communities would be receiving the same channels and viewing opportunities.

After further Council discussion, Council requested a target date of when the City can expect total cable upgrade with the fiber optic cable system. Ms. Turpen noted that she is not qualified to answer, but feels this will occur by the end of the year 2000. She advised that she will respond to this request in writing.

MOTION was made by Councilmember Wasson, seconded by Mayor Pro Tem Brazil, to approve Draft Resolution No. 99-016.

Mayor Thomasson read the resolution by title into the record.

VOTE ON MOTION: Motion passed 6 to 1 with Councilmember Kaplan voting NO.

9:07 p.m. Mayor Thomasson declared a 10 minute break.

Pacific Ridge Element - Development Regulations

Community Development Director Kilgore proceeded to review with Council proposed permitted uses, proposed permitted uses when in conjunction with a permitted use, and those uses that would be prohibited in the following areas of the Pacific Ridge Element:

- H-C:1 (Commercial focus, along Pacific Highway South)
- H-C:2 (Commercial, north of South 216th Street)
- H-C:3 (Residential focus, off Pacific Highway South, east and west)

Upon questioning from Council as to why restaurants would only be permitted when in conjunction with another use, Ms. Kilgore explained the purpose is to avoid fast food restaurants that normally have a very small structure with large expanses of parking lots and driveways.

Council requested a more detailed definition of when uses are permitted in conjunction with another use.

Community Development Director Kilgore advised that development standards will contain the details of restrictions and give detail as to what types of retail is actually allowed. In conclusion, she noted that staff will proceed to expand the definitions and produce standards for stand alone uses, which would include potential minimum requirements.

SR 509 Partnership Funding Plan Agreement

Councilmember Sherman advised that the group is now ready to move forward in the funding process. Agreements have been reached to protect wetlands, that SR 509 will fully connect to I-5 and that the south access will be complete to the airport. As a result, the "Partnership Funding Plan" agreement has been prepared and distributed to Council. He noted that this plan contains all the elements that Des Moines's requested in order to support proceeding with funding requests. He requested whether this agreement met with Council's approval to give him authorization to sign.

Upon questioning from Council, City Attorney McLean noted this is not a binding agreement, but a planning tool, and would only become binding if it was added as a funding requirement condition.

Discussion revolved around item II. (4) "above and beyond cost estimates shown in Attachment 'B' the city of Des Moines will pursue funding from city funds, federal TEA21 grants, state TIB grants, and Local Improvement District funding, among others, for: 24th Avenue South completion to South 216th Street and widening of SR 99 as reflected in their Transportation Improvement Program, and"

Mayor Pro Tem Brazil stated that overall the document is good, but he does not want 24th Avenue South to become a major arterial.

Councilmember Kaplan expressed concern that we may proceed to construct 24th Avenue South and then the Port for one reason or another, will not complete their access to the airport. He noted this would create major traffic congestion running through residential neighborhoods and past schools.

City Manager Olander noted that he felt item II.(4) could be stricken and the other parties would agree to this deletion. He further reminded Council that the City has no direct funds involved in the project and have received all the considerations and conditions in the agreement that Des Moines' asked for.

Councilmember Sherman noted that Council has three options:

- Approve the agreement and authorize him to sign on behalf of the City.
- Do nothing and take no action during the funding cycle.
- Do not sign the agreement and take an active roll in fighting the funding efforts.

Council requested more time to study the proposed agreement. It was determined that final determination will be made at the February 11th Council meeting. Councilmembers were encouraged to contact Councilmember Sherman or City Manager Olander with further questions.

NEXT MEETING DATE

The next regular meeting will be February 11, 1999.

ADJOURNMENT

The meeting was adjourned at 10:28 p.m.

Respectfully submitted,

Denis Staab
City Clerk